

**REMARKS**

Reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of this amendment and the following reasons. By this amendment, claims 1-7 have been amended. Accordingly, claims 1-7 are pending in this application.

Claims 3 and 4 have been amended to depend upon a single claim and correct informalities. Claims 1, 2, and 5-7 have been amended to correct informalities. Thus, it is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132. For at least these reasons, entry of the present Amendment is therefore respectfully requested. Accordingly, Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

***Specification Objection***

The disclosure was objected to because of the following alleged informalities: Weaving and knitting are two clearly different processes, machines and products. The Examiner suggested that the terms “weave,” “weaving,” etc. be changed to “knit,” “knitting,” “interknit,” etc. since the product is knit tube.

No amendment has been made in view of this reason for objection. Rather, Applicants respectfully traverse this objection because the terms “weave” and “weaving” are not used conventionally in the specification. For example, in the specification, page 3, lines 14-17, it is stated that “[b]y preference, the weave and weft of the first and second yarns are connected to each other in such a way that when the second yarns make the weave the first yarns are inserted

in the form weft, and vise versa.” Therefore, Applicants submit that this objection should be withdrawn.

Furthermore, Applicants draw the Examiner’s attention to U.S. Patent No. 6,854,298, which the Examiner cites in the 35 U.S.C. §103(a) rejection in this Office Action. This patent recites “knitting” in the claims while using “weave” in the description. This patent was examined and ultimately allowed by the *same* Examiner nevertheless, during the examination stage thereof, the Examiner had objected to the disclosure for similar reasons as above (*See* the office action of October 4, 2002, section 1; and the amendment of December 24, 2002, section I). Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

### ***Claim Objection***

Claims 3, 4, and 7 were objected to under 37 C.F.R. §1.75(c) as being allegedly in improper form because a multiple dependent claim should be set forth in the alternative only and a multiple dependent claim cannot depend from another multiple dependent claim.

Claims 3 and 4 have been amended to depend upon claim 1. By this amendment, Applicants believe that claims 3 and 4 have overcome the reason for objection. Claim 7 has not been amended because, contrary to the Office Action’s conclusion in page 2, 2<sup>nd</sup> paragraph, claim 7 is not a multiple dependent claim depending from another multiple dependent claim. Accordingly, Applicants respectfully request withdrawal of the objection to claims 3, 4, and 7.

***Rejections Under 35 U.S.C. §112***

Claims 1-7 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner concluded that the term “weave” is inaccurate since the resultant product is knit and the term “weft course” is unclear.

For the reasons noted above with regard to the specification objection, Applicants respectfully submit that use of the term “weave” in the specification is acceptable. The term “weft course” is also clear since according to the present subject matter the first and second yarns (4, 5) each forms a weave of weft courses combined with stitch courses (*See* claims 1 and 2; and abstract, lines 7-10). Here, it should be appreciated that, unlike the term “weft courses,” the term “stitch courses,” appears on the same claims, is regarded by the Examiner as being clear.

Applicants respectfully note that, as long as the term “stitch courses” is clear, the term “weft courses” should also be clear because they are combined to provide the weaves. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claims 1-7.

***Rejections Under 35 U.S.C. §103***

Claims 1, 2, 5, and 6 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,854,298 issued to Relets et al. (“Relets”) in view of U.S. Patent No. 6,711,920 issued to Akers et al. (“Akers”). Applicants respectfully traverse this rejection for at least the following reasons.

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007). Furthermore, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest all of the claim limitations. See *in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Assuming *arguendo* that the references may be combined and a reasonable expectation of success exists, the combined references do not disclose or suggest all of the claim features.

Claim 1 recites, *inter alia*:

some first yarns (4) form a weave of *weft courses combined with stitch courses* (Emphasis added)

Neither Relats nor Akers discloses, teaches, or suggests at least this feature. The Office Action concludes that this recited feature is taught by the first yarns 1 of Relats. Applicants respectfully disagree because, contrary to the Examiner's belief, no teaching or suggestion is found in Relats that the first yarns 1 form a weave of "weft courses combined with stitch

courses.” Rather, in Relats, the first and second yarns 1, 2 are weaved with each other by means of tricot stitches, these tricot stitches running in the same direction (Col. 3, lines 27-29).

Moreover, the secondary reference, Akers, is cited by the Examiner to teach another feature of claim 1, “plurality of larger diameter zones and smaller diameter zones which are alternated along the length of the tube,” and thus does not teach or suggest the above-recited feature of claim 1. Therefore, since none of Relats and Akers teaches or suggests such recited feature, even if one of ordinary skill in the art happens to combined the two references, the combined references still do not disclose every recited feature of claim 1. Accordingly, it is respectfully submitted that claim 1 is allowable over Relats and Akers.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 1. Claims 2, 5, and 6 depend from claim 1 and are allowable for at least this reason. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed subject matter, Applicants respectfully submits that independent claim 1, and all the claims that depend therefrom, are allowable.

**CONCLUSION**

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

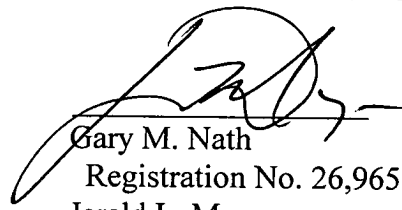
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

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THE NATH LAW GROUP  
112 South West Street  
Alexandria, VA 22314-2891  
Tel: 703-548-6284  
Fax: 703-683-8396

Respectfully submitted,  
**THE NATH LAW GROUP**



Gary M. Nath  
Registration No. 26,965  
Jerald L. Meyer  
Registration No. 41,194  
Sung Yeop Chung  
Ltd. Rec. No. L0449  
Customer No. 20529